

35A-8-1009 Qualified Emergency Food Agencies Fund -- Expenditure of revenues.

(1) As used in this section:

- (a) "Association of governments" means the following created under the authority of Title 11, Chapter 13, Interlocal Cooperation Act:
 - (i) an association of governments; or
 - (ii) a regional council that acts as an association of governments.
- (b) "Food and food ingredients" is as defined in Section 59-12-102.
- (c) "Pounds of food donated" means the aggregate number of pounds of food and food ingredients that are donated:
 - (i) to a qualified emergency food agency; and
 - (ii) by a person, other than an organization that as part of its activities operates a program that has as the program's primary purpose to:
 - (A) warehouse and distribute food to other agencies and organizations providing food and food ingredients to low-income persons; or
 - (B) provide food and food ingredients directly to low-income persons.
- (d) "Qualified emergency food agency" means an organization that:
 - (i) is:
 - (A) exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
 - (B) an association of governments; or
 - (C) a food pantry operated by a municipality located within the state;
 - (ii) as part of its activities operates a program that has as the program's primary purpose to:
 - (A) warehouse and distribute food to other agencies and organizations providing food and food ingredients to low-income persons; or
 - (B) provide food and food ingredients directly to low-income persons; and
 - (iii) the office determines to be a qualified emergency food agency.

(2) There is created an expendable special revenue fund known as the Qualified Emergency Food Agencies Fund.

(3)

- (a) The Qualified Emergency Food Agencies Fund shall be funded by the sales and use tax revenues described in:
 - (i) Section 59-12-103;
 - (ii) Section 59-12-204; and
 - (iii) Section 59-12-1102.
- (b) Any interest earned on the Qualified Emergency Food Agencies Fund shall be deposited into the General Fund.

(4) The office shall for a fiscal year distribute money deposited into the Qualified Emergency Food Agencies Fund to qualified emergency food agencies within the state as provided in this section.

(5) A qualified emergency food agency shall file an application with the office before the qualified emergency food agency may receive a distribution under this section.

(6) Except as provided in Subsection (7), the office shall for a fiscal year distribute to a qualified emergency food agency an amount equal to the product of:

- (a) the pounds of food donated to the qualified emergency food agency during that fiscal year; and
- (b) 12 cents.

(7) If the money deposited into the Qualified Emergency Food Agencies Fund is insufficient to make the distributions required by Subsection (6), the office shall make distributions to qualified emergency food agencies in the order that the office receives applications from the qualified

emergency food agencies until all of the money deposited into the Qualified Emergency Food Agencies Fund for the fiscal year is expended.

- (8) A qualified emergency food agency may expend a distribution received in accordance with this section only for a purpose related to:
 - (a) warehousing and distributing food and food ingredients to other agencies and organizations providing food and food ingredients to low-income persons; or
 - (b) providing food and food ingredients directly to low-income persons.
- (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Housing and Community Development Division may make rules providing procedures for implementing the distributions required by this section, including:
 - (a) standards for determining and verifying the amount of a distribution that a qualified emergency food agency may receive;
 - (b) procedures for a qualified emergency food agency to apply for a distribution, including the frequency with which a qualified emergency food agency may apply for a distribution; and
 - (c) consistent with Subsection (1)(d), determining whether an entity is a qualified emergency food agency.

Amended by Chapter 400, 2013 General Session